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*Attorney for Plaintiffs Laura A. Gaddy,  
Lyle D. Small and Leanne R. Harris*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

**LAURA A. GADDY, LYLE D.  
SMALL, LEANNE R. HARRIS,**  
individually and on behalf of all  
others similarly situated,

*Plaintiffs,*

v.

**[The] CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS,** a Utah corporation sole  
and DOES 1-50

*Defendant*

**MOTION TO CLASSIFY – FILE  
UNDER SEAL -THE  
DECLARATION OF KAY  
BURNINGHAM ISO PLAINTIFFS’  
RULE 60(B)(1) MOTION  
2:19-cv-00554-RJS-DBP  
Chief Judge: Robert J. Shelby  
Chief Magistrate Judge: Dustin B.**

The undersigned, as counsel for Plaintiffs, hereby moves the Court to classify, the Declaration of Kay Burningham in support of Plaintiffs’ Motion for Relief from Judgment under Fed. R. Civ. P. 0(b)(1) and to allow that Declaration to be filed under seal. This Motion is made due to the fact that the Declaration contains the personal protected health information about Ms. Burningham which is subject to HIPAA.

MEMORANDUM OF POINTS AND AUTHORITIES.

Fed. R. Civ. P. 13.05 (FRCP 83) “[R]ecognizes the right of parties in cases to seek the filing under seal of material and information lawfully kept confidential in civil and criminal cases, and the right of parties and non-parties to support or challenge the filing of such material under seal.

- (i) The material or information sought to be filed under seal is the Declaration of Kay Burningham is Support of Plaintiffs’ Rule 60(b)(1) Motion; and
- (ii) The Grounds for her Declaration to be kept confidential and sealed is that it contains private health information that would be protected under HIPAA; and
- (iii) Ms. Burningham requests that her Declaration be sealed until the resolution of the instant case, whether at the trial court or on appeal and then destroyed.

Fed. R. Civ. P. 5.2 requires redaction of “an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, [whether] a party or nonparty.” The information in Ms. Burningham’s Declaration is just as private, if not more so than the above information. Arguably, the public’s right to know about my private medical information in this type of matter and context, does not outweigh my right to privacy.

Wherefore, it is respectfully requested that the Court grant the Motion to Classify and place under seal the Declaration of Kay Burningham.

Dated: April 25, 2023

/s/ Kay Burningham

Kay Burningham, Attorney at Law

*Counsel for Plaintiffs Lara Gaddy, Lyle Small and Leanne Harris.*